

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL MAY a.k.a. FLOURGON,

Plaintiff,

**-against-**

SONY MUSIC ENTERTAINMENT; DESTINY HOPE  
CYRUS a.k.a. MILEY RAY CYRUS; SMILEY MILEY,  
INC.; THERON THOMAS; TIMOTHY TOMAS;  
MICHAEL LEN WILLIAMS II a.k.a. MIKE WILL  
MADE IT/ MIKE WILL; and LARRY RUDOLPH,

Defendants.

Case No. 1:18-cv-02238 (LAK) (RWL)

Hon. Robert W. Lehrburger

**NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Lacy H. Koonce, III, dated August 22, 2018, and the exhibits annexed thereto, and all pleadings and proceedings heretofore had herein, Defendants Sony Music Entertainment, Destiny Hope Cyrus, Smiley Miley, Inc., Theron Thomas, Timothy Thomas, Michael Len Williams, II, and Larry Rudolph (collectively, the "Defendants") will move this Court before the Honorable Judge Robert W. Lehrburger on a date to be determined by the court at the United States District Court, 500 Pearl Street, New York, New York 10007, for an order dismissing the Second Amended Complaint in this action in its entirety for its failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
August 22, 2018

**DAVIS WRIGHT TREMAINE LLP**

By: /s/ Marcia B. Paul

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